

Introduced by Senators Cox and Florez

February 24, 2006

An act to amend Section 2910.5 of the Penal Code, relating to community correctional facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1722, as introduced, Cox. Community correctional facilities.

Existing law authorizes the Secretary of the Department of Corrections and Rehabilitation to enter a long-term agreement of up to 20 years with a city, county, or city and county for placement of parole violators and other state inmates in local facilities. Under existing law, parole violators who receive a revocation sentence greater than 12 months may not be placed in those facilities.

This bill would authorize entering into 20-year contracts with local government and would require the secretary to renew these contracts, except as specified. The bill would authorize inmates and parole violators who receive a revocation sentence of up to 36 months to be placed in those facilities. The bill would revise calculations of reimbursement for costs incurred by local entities for housing inmates pursuant to the contracts.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2910.5 of the Penal Code is amended to
- 2 read:
- 3 2910.5. (a) Pursuant to Section 2910, the ~~Director~~ of
- 4 ~~Corrections~~ *Secretary of the Department of Corrections and*
- 5 *Rehabilitation* may enter into ~~a one or more long-term agreement~~

1 ~~not to exceed~~ *agreements for a term of 20 years with a city,*
2 *county, or city and county to place parole violators and other*
3 *state inmates in a facility which is specially designed and built*
4 *for the incarceration of parole violators and specified state prison*
5 *inmates. With the consent of the city, county, or city and county,*
6 *the secretary shall renew the contract previously entered into*
7 *pursuant to this section, for an additional 20 years, unless the*
8 *secretary determines that the city, county, or city and county had*
9 *materially breached the terms of the contract and refuses to*
10 *correct the breach, and or that the per capita costs of housing*
11 *parole violators or other state inmates in a facility exceeds the*
12 *per capita costs of housing the same persons in an institution*
13 *listed in Section 5003.*

14 (b) The agreement shall provide that persons providing
15 security at the facilities shall be peace officers as defined in
16 Sections 830.1 and 830.55 who have satisfactorily met the
17 minimum selection and training standards prescribed by the
18 ~~Board of~~ *Corrections Standards Authority* for local correctional
19 personnel established under Section 6035.

20 (c) A parole violator or other inmate may be confined in a
21 facility established under this section.

22 (1) If convicted within the last 10 years of a violent felony, as
23 defined in subdivision (c) of Section 667.5, or convicted of a
24 crime, as defined in Sections 207, 210.5, 214, 217.1, or 220, or if
25 that person has a history of escape or attempted escape, the
26 Department of Corrections *and Rehabilitation*, prior to placing
27 the parole violator or inmate in the facility, shall review each
28 individual case to make certain that this placement is in keeping
29 with the need to protect society.

30 (2) No inmate or parole violator who has received a sentence
31 of life imprisonment within the past 20 years shall be eligible.

32 (3) The superintendent of the facility also shall review each
33 individual case where the inmate or parolee has been convicted
34 within the last 10 years of a crime specified in this subdivision
35 and shall ascertain whether this is an appropriate placement. The
36 superintendent shall reject those whom he or she determines are
37 inappropriate due to their propensity for violence or escape and
38 shall submit written findings for the rejection to the Department
39 of Corrections *and Rehabilitation*.

1 (4) No *inmate or* parole violator who receives a revocation
2 sentence greater than ~~12~~ 36 months shall be confined in a facility
3 established under this section.

4 (5) The Department of Corrections *and Rehabilitation* shall
5 establish additional guidelines as to inmates eligible for the
6 facilities.

7 ~~(d) In determining the reimbursement rate pursuant to an~~
8 ~~agreement entered into pursuant to subdivision (a), the director~~
9 ~~shall take—~~ (1) *The department shall annually establish a*
10 *reimbursement rate for each city, county, and city and county*
11 *owned facility which takes into consideration the costs incurred*
12 *by the city, county, or city and county for services and facilities*
13 *provided and any other factors that are necessary and appropriate*
14 *to fix the obligations, responsibilities, and rights of the respective*
15 *parties to operate the facility and provide the services described*
16 *in the contract, including, but not limited to, the costs of*
17 *complying with new or additional mandates and conditions*
18 *imposed by the department, and the costs of maintaining staffing*
19 *levels at the facility which are equivalent to the*
20 *inmate-to-correctional officer ratio maintained by the*
21 *department in those facilities described in Section 5003.*

22 (2) *The base year for calculating reimbursement rates shall be*
23 *1998, and reimbursement rates and administrative fees shall be*
24 *adjusted annually from that base amount by an amount not less*
25 *than the greater of the percentage change in the per capita costs*
26 *of operating institutions by the department, as shown in the most*
27 *recently approved department budget, or Article XIII B of the*
28 *California Constitution, Appropriations spending limit, control*
29 *Sections 12A, B, C, and D.*

30 (e) Facilities operated by the county shall be under the
31 supervision of the sheriff. Facilities operated by the city shall be
32 under the supervision of a chief of police or a facility
33 superintendent who shall have at least five years similar
34 experience.

35 (f) Cities or counties contracting with the Department of
36 Corrections *and Rehabilitation* for a facility pursuant to this
37 section shall be responsible for managing and maintaining the
38 security of the facility pursuant to the regulations and direction of
39 the ~~Director of Corrections~~ *secretary of the department*. No city

- 1 or county may contract with any private provider to manage,
- 2 operate, or maintain the security of the facility.

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